

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No: 4083 of 2000

Between:

P.Ramachandra Reddy, S/o. Erranna Reddy
Casual labour, R&B Section,
Tirumala Tirupathi Devasthanams, Tirupathi.

..... PETITIONER

AND

- 1 The Executive Officer, Tirumala Tirupathi Devasthanams,
Tirupathi.
- 2 The Deputy Executive Officer, R & B Section, Tirumala Tirupathi
Devasthanams, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus direct the 1st respondent to regularize the services of the petitioner w.e.f. 1.8.1991 on par with the juniors with all consequential Service Benefits and monetary benefits by declaring the action of the 1st respondent in not regularizing the services of the petitioner w.e.f. 1.8.91 as illegal, arbitrary and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents: MR.A.V.SIVAIAH

The Court made the following:

ORAL ORDER:-

This Writ Petition is filed seeking Mandamus directing the 1st respondent to regularize the services of the petitioner with effect from 01.08.1991 on par with juniors with all consequential service benefits and monetary benefits by declaring the action of the 1st respondent in not regularizing the services of the petitioner with effect from 01.08.1991 as arbitrary and illegal.

It is the case of the petitioner that his rights have already been decided for being continued on par with his juniors and also for the purpose of pay fixation etc., in the earlier order in W.P.No.13672 of 1990, dated 2.03.1995, which reads as under:

“But the present case is an exception to that, in as much as we are here concerned with the claim of the petitioner for the benefits given under direction of this Court in a Writ Petition to which he was a party. If he had not been arbitrarily discontinued, he would be enjoying the benefits given by this Court in its order, dated 19.08.1988. In this back ground I am of the view that the arbitrarily discontinuance of the services of the petitioner has to be set aside. The petitioner shall be taken to be in service with reference to the operation of the direction of this Court and as long as his juniors are in service, he shall be taken back in service and he shall be paid regular pay as is being paid to other juniors to him.”

Therefore, he complains that the order in the above Writ Petition was not promptly implemented and it was implemented only on 09.04.1999. Thus, there was a delay of four years in implementing the orders of this Court. Therefore, he is also entitled for monetary benefits from the date of the earlier judgment i.e., 02.03.1995 till

09.04.1999, the date of reinstatement.

A detailed counter-affidavit has been filed by the respondent denying the allegations made by the petitioner stating that the petitioner is not entitled to any such benefits.

A plain reading of the order of this Court as noted above clearly shows that the services of the petitioner were discontinued illegally and but for the illegal termination he would have got all the benefits given by this Court in WPMP.No.15877 of 1988 in W.P.No.12683 of 1988 by order, dated 19.08.1988, in respect of the petitioners therein.

Be that as it may, the petitioner is entitled to reinstatement with continuity of service and his pay shall be regulated on par with his juniors as per the orders of this Court, dated 19.08.1988, but such a course of action was not adopted by the respondents and after a lapse of more than four years i.e., on 09.04.1999 order is passed reinstating the petitioner into service.

In view of the above circumstances, I am of the considered view that the petitioner is entitled to continuity of service and also entitled to regular pay on par with his juniors. The petitioner is also entitled to wages for the period from 02.03.1995 till 09.04.1999 for the reason the respondents have taken their own time for the purpose of implementation of the orders of this Court, making the petitioner to suffer further.

In the result, the Writ Petition is allowed and the petitioner is entitled to regularization of his services from 01.08.1991 on par with his juniors with all consequential benefits. So far as the monetary benefits are concerned, the salary of the petitioner will be notionally fixed on par with his juniors up to 02.03.1995 and from 03.03.1995 till 09.04.1999 he is entitled for all wages and other attendant benefits attached to his post. No orders as to costs.

20.06.2005

ES

To

- 1 The Executive Officer, Tirumala Tirupathi Devasthanams,
Tirupathi.
- 2 The Deputy Executive Engineer, R & B Section, Tirumala Tirupathi
Devasthanams, Tirupathi.
- 3 2 CD copies